

## Council Communication

Department: Community Development	Resolution No. _____	Planning Commission: 11-12-08
Case #ZC-08-013	Resolution No. _____	First Reading: <u>11/24/2008</u>
Case #SUB-08-010		Public Hearing: <u>12/08/2008</u>
Case #PR-08-005	Ordinance No. <u>6018</u>	Third Reading _____

### River's Edge Subdivision

1. Rezone property from R-4/PR and A-2 to R-4/PR and A-2, as shown on the attached map;
2. Preliminary plan approval for a subdivision to be known as River's Edge Subdivision;
3. Adopt the Planned Residential Development Plan for River's Edge Subdivision.

### Background/Discussion

The Community Development Department is requesting rezoning, preliminary plan and planned residential development plan approval of the River's Edge project located at Playland Park. The planning process was guided by a steering committee and reviewed and approved by the City Planning Commission and the City Parks, Recreation and Public Property Commission prior to adoption by the City Council in December 2007. The requested actions are consistent with the adopted Plan. The master plan can be found online at [www.communitydev.councilbluffs-ia.gov](http://www.communitydev.councilbluffs-ia.gov) and then selecting 'Plans and Documents'.

Several opportunities were presented throughout the planning process to encourage public participation. A visioning session, design charrette and follow-up neighborhood meeting were held to allow the surrounding neighborhood and the public to provide comments on the proposed plan while in development. Comments received from the planning process were included in the staff report for consideration at the time of plan adoption approximately one year ago.

Following adoption of plan the City has moved forward with project engineering. The improvement plans are approximately 60% complete. The City continues to work on the various regulatory issues associated with the project including the Iowa Department of Natural Resources and other state/federal review agencies.

### Rezoning –

The existing R-4/High Density Multi-family Residential District with a Planned Residential Overlay and A-2, Parks, Estates and Agricultural District zoning was established following a private development proposal for the property in January 2003. At that time a portion of the property was sold to a private developer who proposed construction of two condominium towers and two multi-family structures on the site, with the western portion of the property remaining as parkland. Although the plan is dramatically different the zoning necessary to implement the Plan is the same. The existing and proposed zoning is shown on Attachments 'A' and 'B'.

Fifty-two public notices were mail to owners of property within 200 feet of the proposed rezoning. No comments were received prior to the mailing of this staff report. Two notices were returned as 'undeliverable'.

### Preliminary Plan –

The proposed subdivision will be made up of eight blocks as described below. The block configuration is included as part of the subdivision. Individual lot placement is shown, however it is not dimensioned or to be platted at this time. The preliminary plan is included as Attachment 'B'. The lot placement within the blocks will be established at the time of final plat. The lot placement would likely have to be re-platted at the time of the final plat instrument because of the nature of the housing type. The attached single family unit design will impact the lot width.

- Block 1: neighborhood park;
- Block 2: single family detached dwellings along Avenue 'B' and live/work units along River's Edge Boulevard and North 43<sup>rd</sup> Street;
- Block 3: formal green/park;
- Block 4: attached townhomes, condominium building with first level commercial;
- Block 5: attached townhomes, multi-family and/or condominium building with first level commercial;
- Block 6: attached townhomes;
- Block 7: attached townhomes;
- Block 8: attached townhomes.

A significant Plan change is being considered. The vehicular access to the riverfront through the Missouri River levee may not occur. As a result of that potential design change Block 4, the river front entryway street and Block 3 (the park) will be reconfigured. The exact design is unknown at this time. The proposed change will be considered as a plan amendment in the future. The construction of Block 4 is anticipated to be one of the later phases of the project and will not delay the phase I subdivision improvements. If this design change occurs it will be necessary for the connections to 9<sup>th</sup> Avenue and Avenue 'G' over the Missouri River levee to occur at an earlier phase of the project. The connections will be necessary to provide the circulation of a riverfront drive that will open portions of the park area and provide opportunities for parking. A strong connection to the park amenity is necessary for the success and desirability of the neighborhood as a development.

The overall configuration of the project is a modified grid pattern that will connect at two locations to Avenue 'B' and to 41<sup>st</sup> Street under I-480. A variety of public right-of-way sections are included in the project ranging from a 90-foot boulevard section to a 20-foot wide alley.

All lots will be serviced by utilities. Upgrades and replacement of the sanitary sewer pump station located south of I-480 near the River Park apartment complex will be necessary to service the project area. The sanitary sewer trunk line extending from the existing neighborhood under the interstate to the pump station is in poor condition and is in need of replacement.

Storm sewer will be handled through the sizing of underground pipe. The existing outfall which extends through the Missouri River levee will be replaced. The levee crossing will require Army Corps of Engineering approval. The park spaces have been preliminarily designed through the grading plan to provide storage in the event the gate structure to the outfall must be closed. It will be necessary to fill the site approximately one to two feet, approximately 120,000 cubic yards.

The water system has not been designed at this time. A main extension agreement will be required, which may include the need to relocate private and public mains in the area. There is currently a 6-inch main in Avenue B and an 8-inch main in the north/south alley west of North 40<sup>th</sup> Street.

Underground electric service will require the design of an underground conduit system providing 15-foot wide easements. Clearances must be maintained for all existing facilities. The cost to relocate or extend facilities will be at the developer's cost. A final determination on cost, if any, to extend new service to the area will be determined once a detailed site plan and load requirements are submitted to MidAmerican Energy.

A grading plan, consistent with an approved preliminary plan and development plan is being finalized at this time. The Iowa Department of Natural Resources (IDNR) requires a storm water pollution prevention plan prior to any grading on the site. A complete erosion and sediment control plan showing both temporary and permanent measures is subject to review and approval by the Public Works Department to assure a stable site during grading/construction and afterwards. The preliminary soils report indicates the soils are suitable for the proposed uses. If the subdivision is approved the City intends to move forward with a demolition and grading contract in Spring 2009.

**Planned Residential Development Plan Review –**

The Master Plan includes setback distances, mass and scale properties for each block and street. The subdivision will have common streetscape elements throughout including sidewalk treatments, street lighting and landscaping. Generally the 'Design Guidelines' portion of the master plan should act as the development plan component of the project. The design guidelines do not dictate the overall architecture of the structures but do discuss placement, relationship to the street and the type of space envisioned. The document components are included as Attachment 'C'.

The exact materials and streetscape plan have not been finalized. An amendment will be requested following completion for your concurrence. At this time the City is considering the use of pervious asphalt on a component of the rear alleys. Pervious concrete is being considered for the public sidewalks, as well as a pervious paver detail adjacent to the street. The sidewalk sections will include planting beds, street trees, street lights and a paver detail adjacent to the street pavement. Plant material has not been finalized, but the focus is on sustainability. The majority of the planting materials, including trees will be native requiring less watering and less maintenance, adding to the appeal of the other 'green' principles to be incorporated into the development.

**Recommendation**

The Community Development Department recommends:

1. Approve the preliminary plan for a subdivision to be known as River's Edge Subdivision, subject to the following notes and conditions:
  - a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
  - b. The proposed subdivision is consistent with the purpose and intent of the Subdivision and Zoning Ordinances and is generally consistent with the Playland Park Master Plan, as adopted. All of the proposed lots abut public street right-of-way. Circulation in the subdivision will be on public streets and fully served with public utilities.
  - c. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local state and federal requirements shall be the developer's responsibility.
  - d. An erosion and sediment control and grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
  - e. All utilities extended to the site and providing service within the site shall be located underground.
  - f. A main extension agreement must be executed with the Council Bluffs Water Works.
  - g. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Based upon the route determined by MidAmerican Energy, the developer shall install the conduit system and provide the appropriate easements.
  - h. Fire hydrant spacing shall meet the minimum spacing limitations as required by the Fire Department and the Water Works.
  - i. Sidewalk shall be required as developed in the planned residential development plan.
2. Approve the Planned Residential Development Plan for River's Edge Subdivision as presented, subject to the following conditions:

- a. In order for these units to be sold individually, each 'townhouse' unit shall be built to comply with the 'dwelling unit separation' requirements as defined in the 2003 International Residential Code. A townhouse is a single family dwelling, constructed in a group of attached units with a zero-setback property line and separated by a 1-hour rated assembly.
  - b. Two off-street parking spaces are required for each housing unit.
  - c. Street lighting shall be installed by the developer at spacing to meet City standards, in accordance with the approved plan.
  - d. Preparation of a landscape plan including streetscape amenities for the development.
3. Rezone the property from R-4/High Density Multi-Family Residential District with a P-R/Planned Residential Overlay and A-2/Parks, Estates and Agricultural District to R-4/High Density Multi-Family Residential District with a P-R/Planned Residential Overlay and A-2/Parks, Estates and Agricultural District as shown on Attachment 'B'.

### Public Hearing

Rose Brown, Urban Planner, Community Development Department, appeared before the Planning Commission in favor of the request. No one appeared in opposition.

### Planning Commission Recommendation

The Planning Commission recommends:

1. Approve the preliminary plan for a subdivision to be known as River's Edge, subject to the notes and conditions cited in the staff report.
2. Approve the Planned Residential Development Plan for River's Edge Subdivision, subject to the conditions cited in the staff report.
3. Effective with final plat approval for the River's Edge, rezone as follows:
  - a. Proposed Block 1 of the final plat for River's Edge Subdivision from A-2/Parks, Estates and Agricultural District and R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to A-2/Parks, Estates and Agricultural District; and
  - b. Proposed Block 3 of the final plat for River's Edge Subdivision from R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to A-2/Parks, Estates and Agricultural District; and
  - c. Proposed Block 2 and Blocks 4 through 8 of the final plat for River's Edge Subdivision from A-2/Parks, Estates and Agricultural District and R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay.

VOTE: AYE 10    NAY 0    ABSTAIN 0    ABSENT 1    Motion: Carried

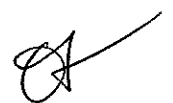
### Attachments

Attachment 'A': existing zoning map  
 Attachment 'B': proposed zoning map  
 Attachment 'C': Preliminary subdivision plan  
 Attachment 'D': Planned residential development plan

Owner: City of Council Bluffs

Engineer: HDR Engineering, Inc. – Chris Koenig, P.E., 8404 Indian Hills Road, Omaha, NE 68114-4098

Prepared by: Rose E. Brown, Urban Planner



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Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

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ORDINANCE NO. 6018

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF THE FORMER PLAYLAND PARK SITE LOCATED FROM NORTH 40<sup>TH</sup> STREET TO THE MISSOURI RIVER LEVEE BETWEEN AVENUE “B” AND INTERSTATE 480 RIGHT-OF-WAY, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-4/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PR/PLANNED RESIDENTIAL OVERLAY AND A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT TO R-4/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PR/PLANNED RESIDENTIAL OVERLAY AND A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT, AS SET FORTH AND DEFINED IN CHAPTERS 15.11 AND 15.05 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

B E I T O R D A I N E D  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of the former Playland Park site, from North 40<sup>th</sup> Street to the Missouri River Levee between Avenue “B” and the Interstate 480 right-of-way, as shown on the Attachment “B”, as follows:

Proposed Block 1 of the final plat for River’s Edge Subdivision from A-2/Parks, Estates and Agricultural and R-4/High Density Multi-family Residential with a PR/Planned Residential Overlay to A-2/Parks, Estates and Agricultural District;

Proposed Block 2 and Blocks 4 through 8 of the final plat for River's Edge Subdivision from A-2/Parks, Estates and Agricultural and R-4/High Density Multi-family Residential with a PR/Planned Residential Overlay to R-4/High Density Multi-family Residential with a PR/Planned Residential Overlay,

**SECTION 3. Effective Date.** This ordinance shall be in full force and effect **concurrent with final plat approval for River's Edge Subdivision**, and following publication, as provided by law.

PASSED  
AND  
APPROVED January 12, 2009

THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
JUDITH RIDGELEY City Clerk

Planning Case No. ZC-08-013

# CASE #ZC-08-013, CASE #SUB-08-010 and CASE #PR-08-005

## EXISTING ZONING

Missouri River

Missouri River levee

**SUBJECT PROPERTY**

A-1

R-2

R-2

R-2 R-2 R-2

R-3

R-3

R-3

R-3

R-3

R-3

R-3

A-2

R-4  
P/R

I-480

R-3

A-2

R-3

R-3

Dodge Park Golf Course

A-3

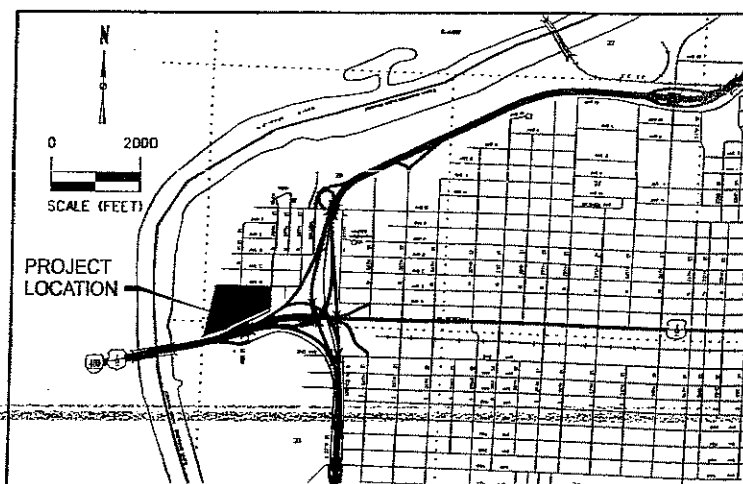
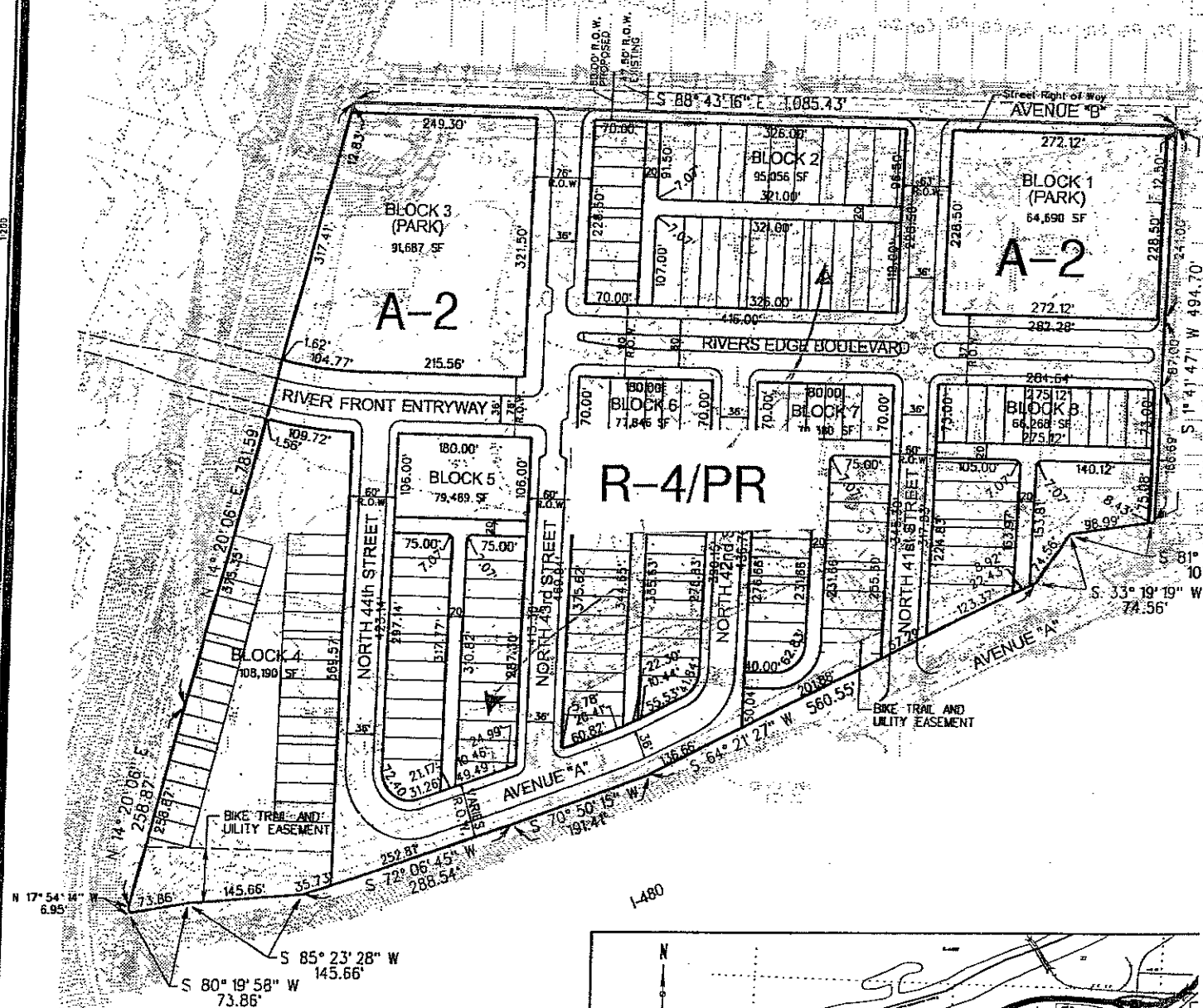
A-2

### Legend

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	A-2		C-2		I-3		R-1M		
	A-3		C-3		PC		R-2		
	AP		C-4		PI		R-3		



# PROPOSED ZONING



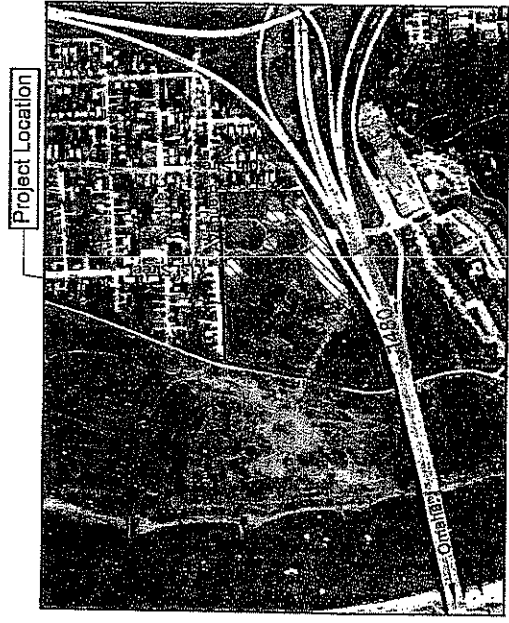
### VICINITY MAP



# River's Edge Subdivision City of Council Bluffs Council Bluffs, Iowa

Project No.  
81683

Council Bluffs, Iowa  
October, 2008



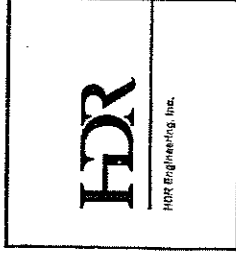
Location Map

## Drawing Index

- G-01 Cover Sheet
- G-02 Preliminary Plan
- General Subdivision Plans
- C-01 Existing Conditions
- C-02 Site Plan
- C-03 Site Utility Plan
- C-04 Typical Roadway Sections
- C-05 Typical Roadway Sections

## Phase I Plan and Profile Sheets

- PP-01 Plan and Profile Storm Sewer.....Trunk Line Outfall
- PP-02 Plan and Profile Storm Sewer.....Trunk Line Avenue "A"
- PP-03 Plan and Profile Storm Sewer.....Trunk Line North 41st Street
- PP-04 Plan and Profile Sanitary Sewer.....North 41st Street
- PP-05 Plan and Profile Storm Sewer.....Trunk Line and Sanitary Sewer North 43rd Street
- PP-06 Plan and Profile Storm Sewer.....Trunk Line River Front Entryway
- PP-07 Plan and Profile Storm Sewer.....Trunk Line River's Edge Boulevard (North Side)
- PP-08 Plan and Profile Storm Sewer.....Trunk Line River's Edge Boulevard (South Side)
- PP-09 Plan and Profile Sanitary Sewer.....Block 2 Alleys
- PP-10 Plan and Profile Storm Sewer.....North 44th Street
- PP-11 Plan and Profile Street Centerline.....North 44th Street to North 42nd Street
- PP-12 Plan and Profile Storm Sewer.....Trunk Line North 42nd Street
- PP-13 Plan and Profile Sanitary Sewer.....Block 6 and Block 6 East/West Alleys
- PP-14 Plan and Profile Sanitary Sewer.....Block 5 North/South Alley
- PP-15 Plan and Profile Sanitary Sewer.....Block 6 North/South Alley
- PP-16 Plan and Profile Sanitary Sewer.....Block 7 and Block 8 East/West Alley
- PP-17 Plan and Profile Sanitary Sewer.....Block 7 North/South Alley
- PP-18 Plan and Profile Sanitary Sewer.....Block 8 North/South Alley
- PP-19 Plan and Profile Sanitary Sewer.....East North/South Alley



	<p>I hereby certify that the engineering document was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.</p> <p><i>Christopher J. Adams</i>          CHRYSTOPHER J. ADAMS          10/1/2008          12/11/08</p>
	<p>BY: <i>CHRISTOPHER J. ADAMS</i>          DATE: 12/11/08</p>

## Preliminary Plat Drawings

SE #ZC-08-013, SUB-08-010, PR-08-005

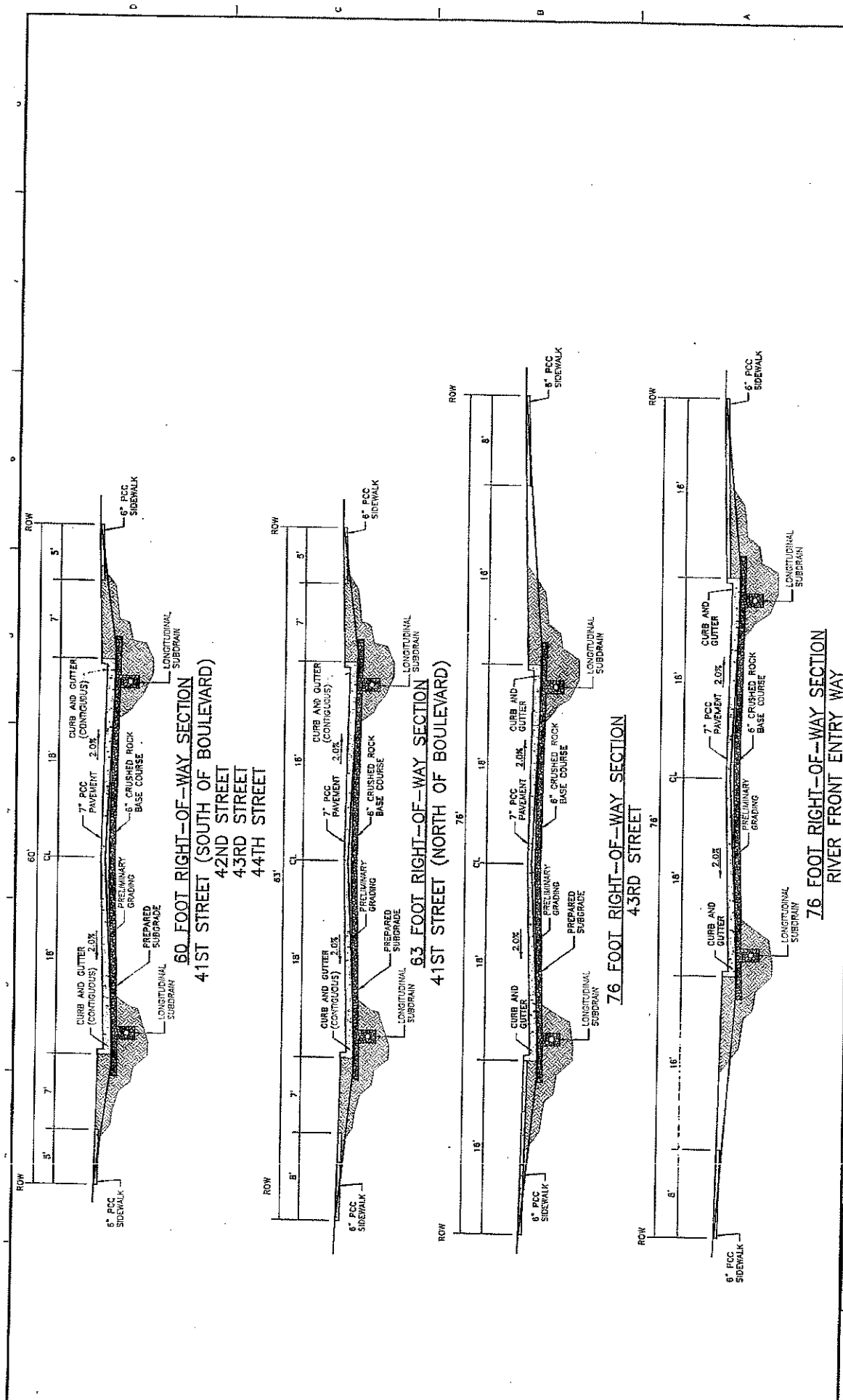



**low**

C-03

[illegible]

**HDR**  
HDR Engineering, Inc.






**HDR**  
Hydrologic Design Resources, Inc.

DATE	DESCRIPTION
03/10/14	FINAL SUBMITTAL
02/10/13	100% CLIENT REVIEW
01/07/11	100% CLIENT REVIEW

**Project Number: 1213**

**City of Council Bluffs**



**River's Edge Subdivision**  
 Preliminary Plat  
 City of Council Bluffs

**Typical Roadway Sections**

PROJECT NUMBER: 1213

DATE: 03/10/14

DESCRIPTION: FINAL SUBMITTAL

PROJECT NUMBER: 1213

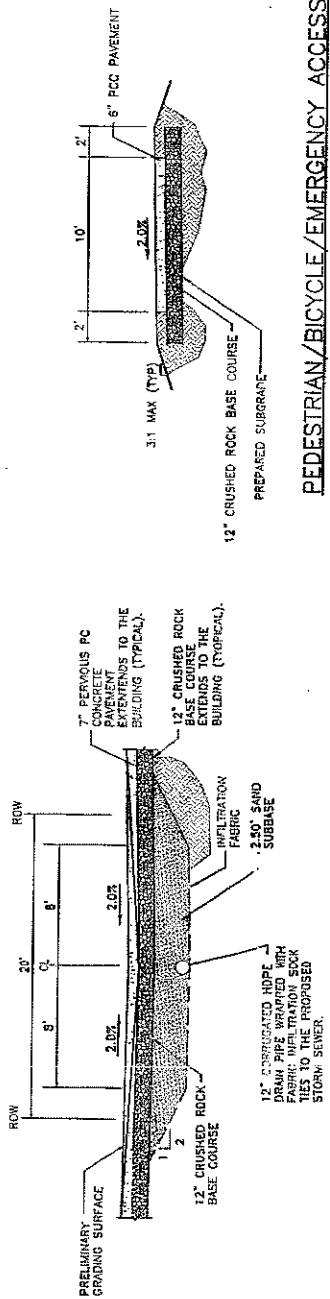
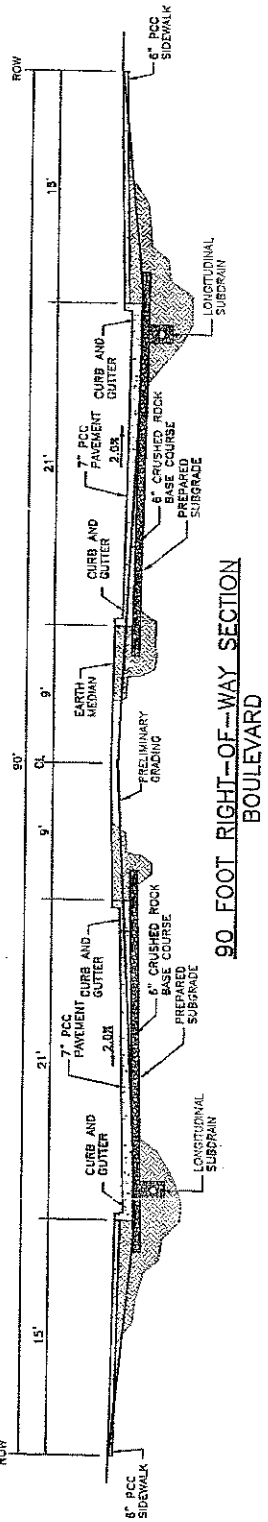
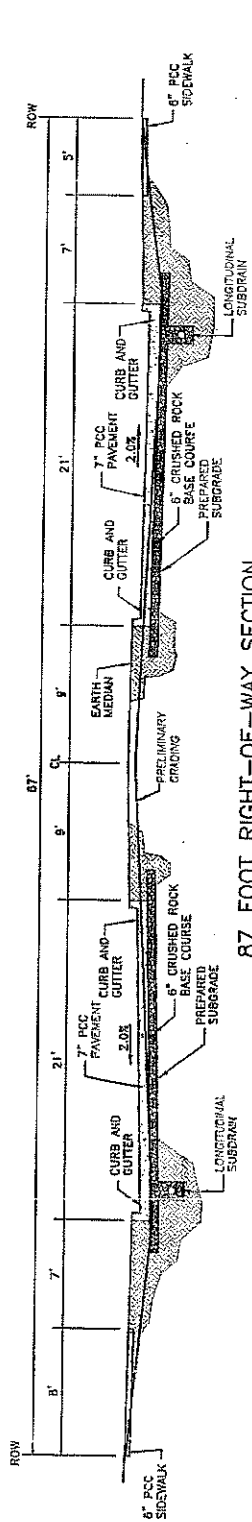
DATE: 03/10/14

DESCRIPTION: FINAL SUBMITTAL

PROJECT NUMBER: 1213

DATE: 03/10/14

DESCRIPTION: FINAL SUBMITTAL

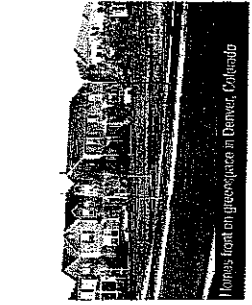
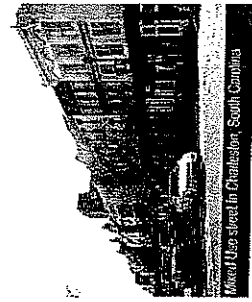
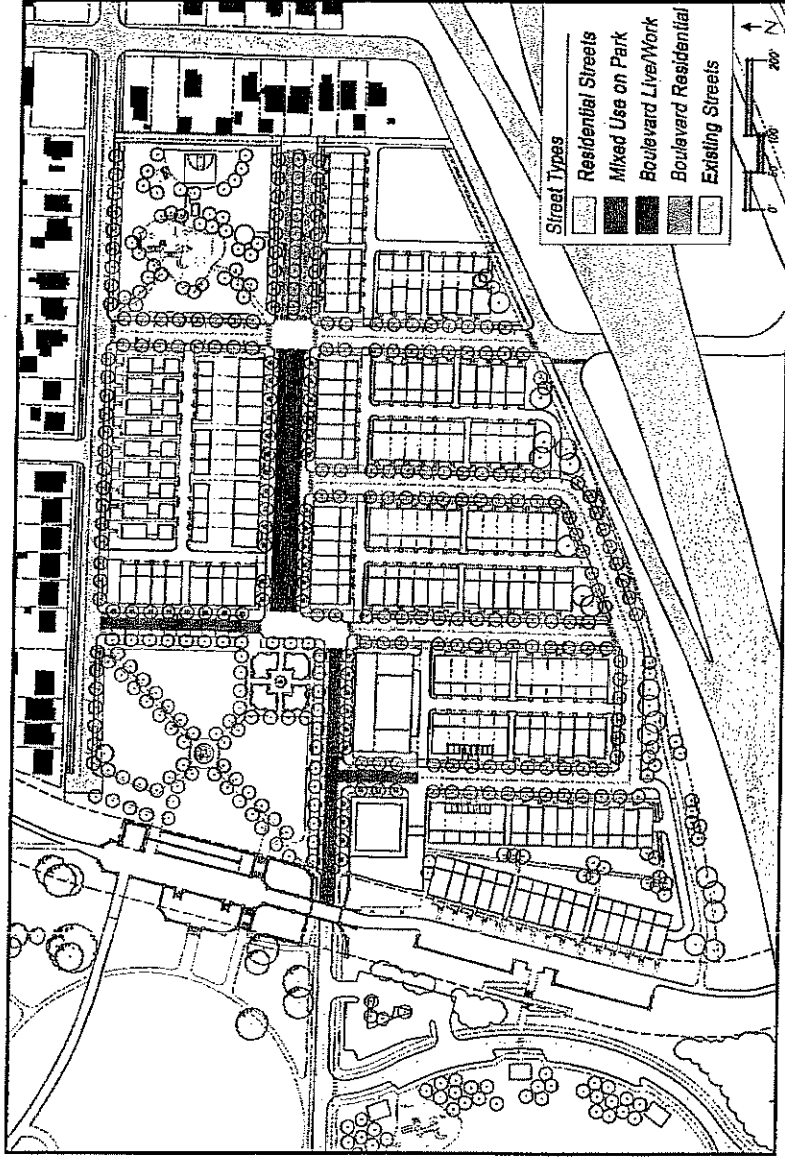








DESIGN GUIDELINES Playland Park Master Plan

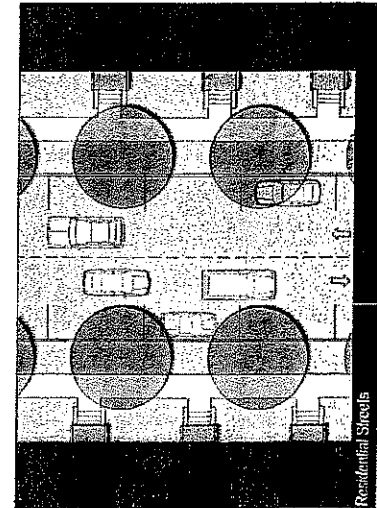
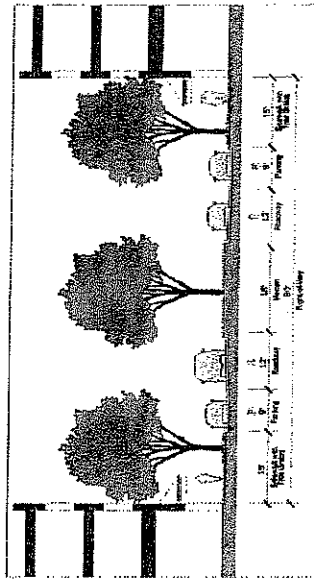


**Street Types**

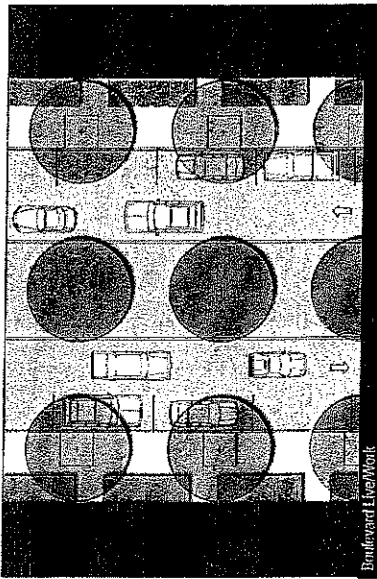
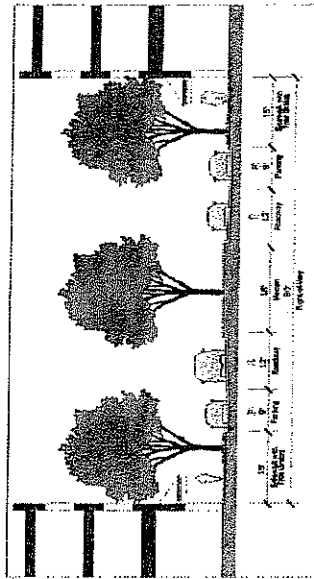
The streets in the Playland Park neighborhood will be a major part of the public realm. They will serve pedestrians, bicyclists, and vehicles and will connect the neighborhood to the new regional park along the river, Council Bluffs trail system, and the existing neighborhood to the north and east.

There will be three street types: all are tree-lined. The neighborhood's central boulevard will have wide sidewalks, street trees in tree grates and a planted median. The

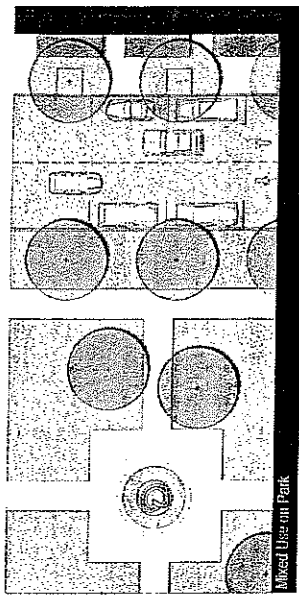
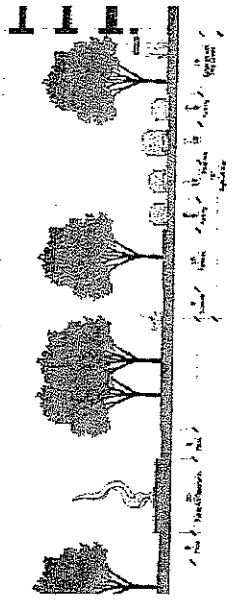
commercial streets surrounding the neighborhood green will also have wide sidewalks to encourage pedestrian commercial activity. Street trees along commercial streets will be planted in grates to accommodate the higher level of traffic. Residential streets have slightly narrower sidewalks, with a landscaped parkway wide enough to grow sufficiently healthy street trees.



**Residential Streets**  
The residential street is designed to create safe and quiet surroundings. The 10' dooryard provides privacy by separating homes from the activity along the street. The sidewalk, landscaped parkway and parking lanes create a comfortable pedestrian environment that maintains a sense of enclosure while adequately buffering pedestrians from street traffic.

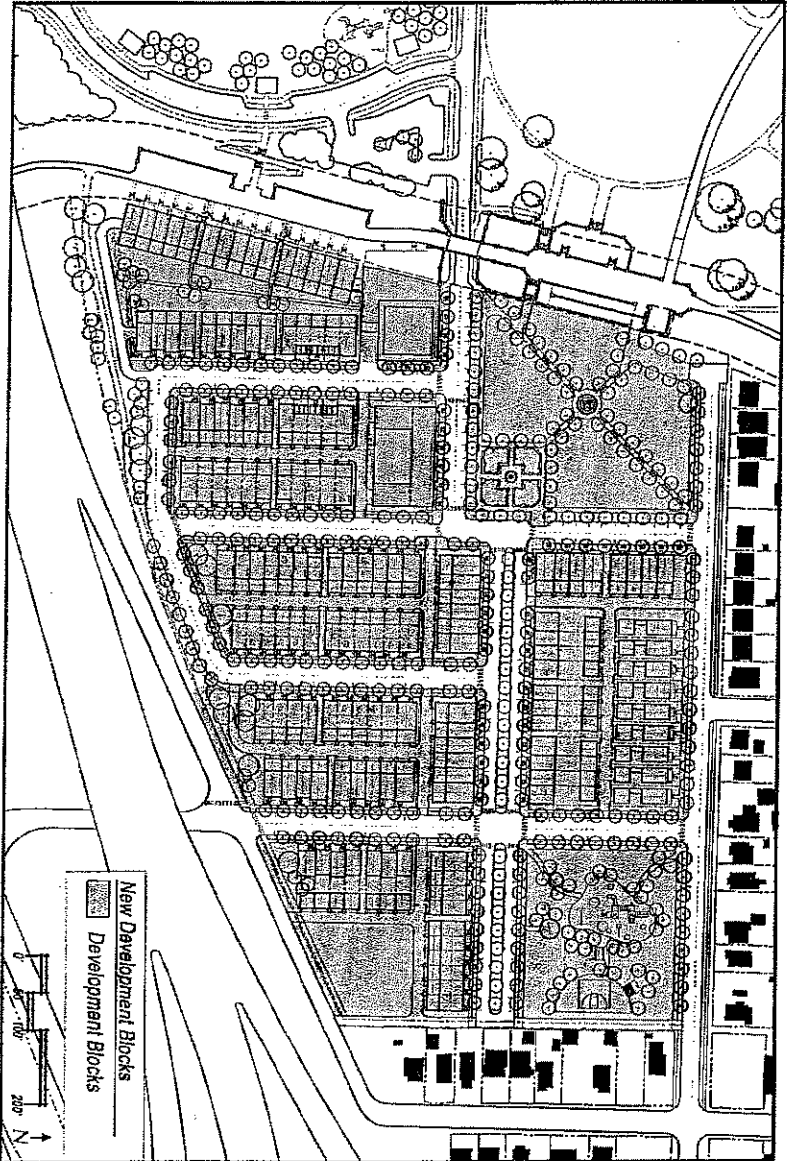


**Boulevard Live/Work**  
The boulevard with median serves a dual function. The formality of the planted median and tree grates indicates the road's primary organizing role in the area and directs traffic to the riverfront plaza and retail center. The placement of live/work units along the street also encourages street-level activity along the entire length of the boulevard and throughout the neighborhood.



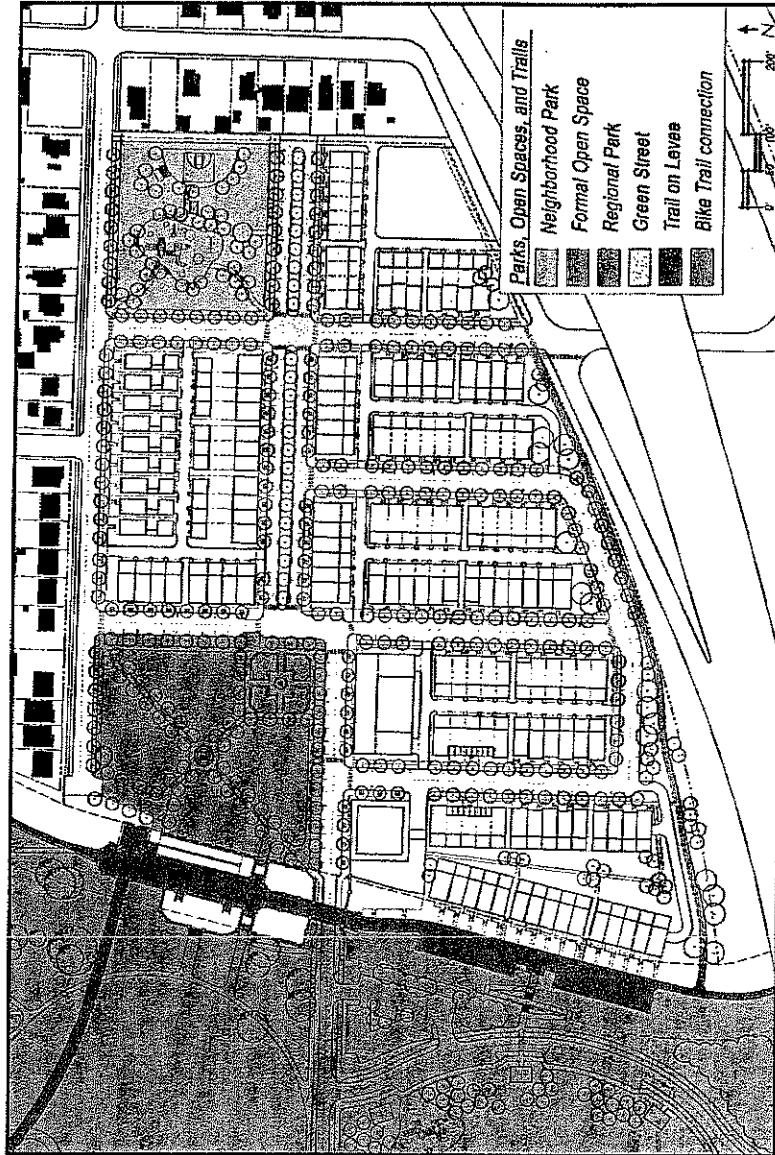
**Mixed Use on Park**  
The mixed use street creates a public setting that encourages the widest variety of activities. The formal park and public art are a recreational destination for neighborhood residents and visitors alike. The park activity, in turn, leverages commercial activity along the opposite side of the street, where wide sidewalks provide opportunities for window shopping, outdoor dining and/or displays.





### Block Structure

The block structure of Playland Park will be a modified grid. The modified grid integrates the neighborhood into the existing residential development to the north and east, while still accommodating the constraints the Interstate and levee place on the street system. Blocks are short, not more than 500' in length, to encourage pedestrian activity.



Tree lined streets in Springfield, Illinois



Playground Equipment in Council Bluffs, Iowa



Formal green in Orlando, Florida

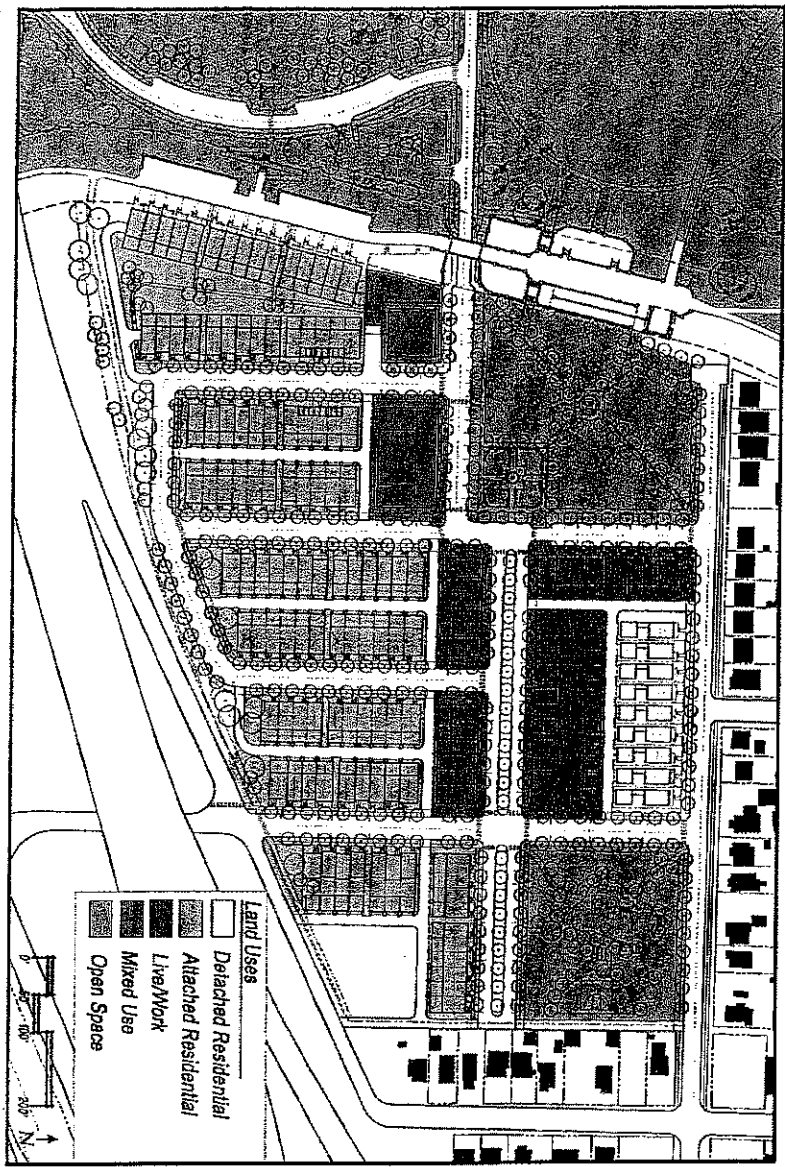


Popular trail in Omaha, Nebraska

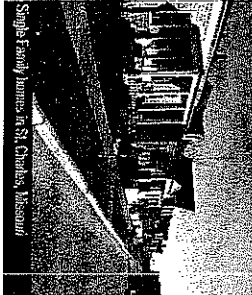
### Parks, Open Spaces, and Trails

Open space is Playland Park's primary asset. The activity center of the existing neighborhood park will remain in the same general location in the proposed design to preserve a community amenity and transition from existing to new development. A formal green is also planned for the dry-side landing of the pedestrian bridge. Although this space is not programmed, it is intended to be a gathering space for families or temporary location for vendors during large events. This green space is also the western visual terminus of the boulevard and will contain two

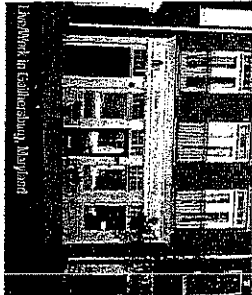
significant features such as statues, fountains or other public art. The regional park will contain spaces for both active and passive play. It will include three distinct gathering spaces for events of all sizes. The trail on the levee will be enhanced with ramps to access both the east and west sides of the levee. The Missouri River Pedestrian Bridge will also link the trail with the Omaha trail system.



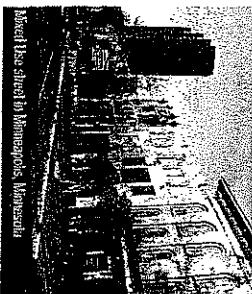
**Land Uses**  
The Playland Park site will be a mixed-use neighborhood with multi-family homes, a small number of single family homes, and mixed-use residential/commercial buildings. In keeping with the open space of the site's previous uses, the neighborhood will be structure around two public green spaces – a neighborhood park on the east and a formal neighborhood green on the west.



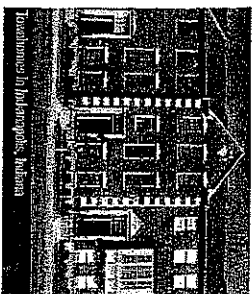
Single Family homes in St. Charles, Missouri



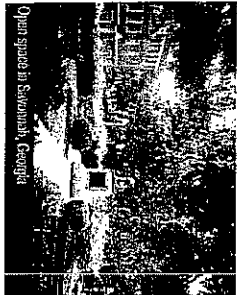
Live/Work in Baltimore, Maryland



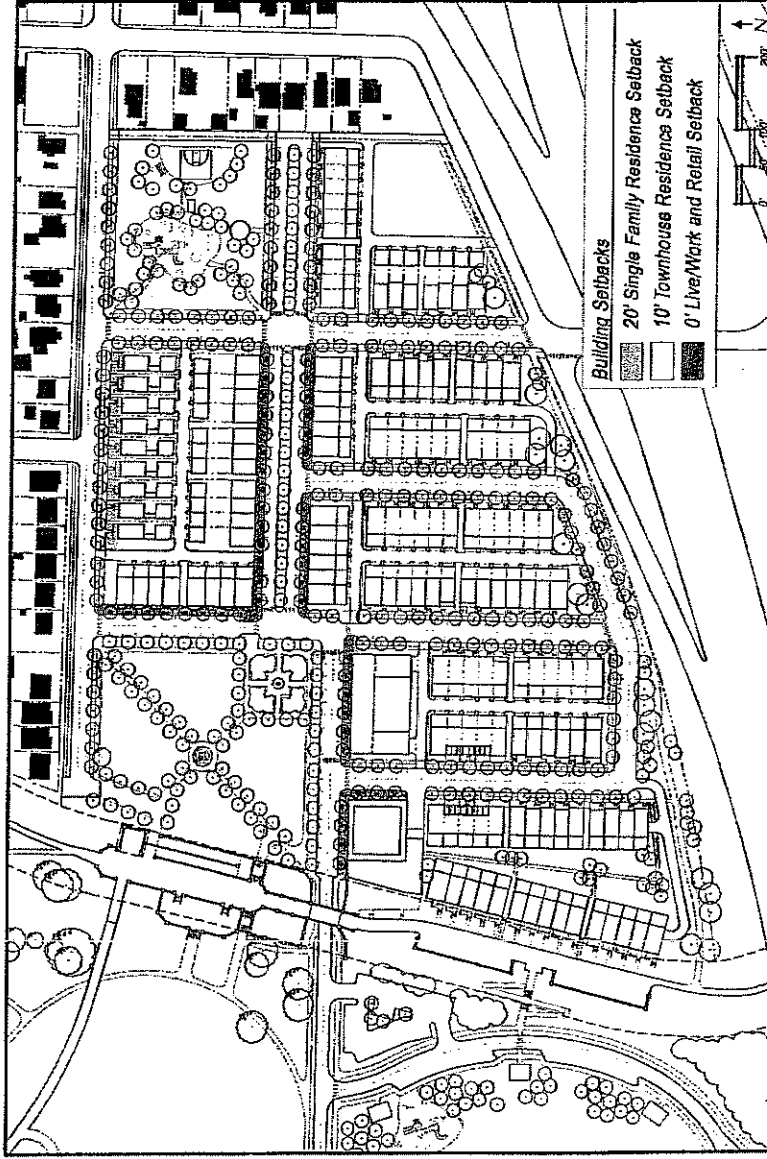
Mixed Use street in Minneapolis, Minnesota



Townhomes in Baltimore, Maryland



Open space in Savannah, Georgia

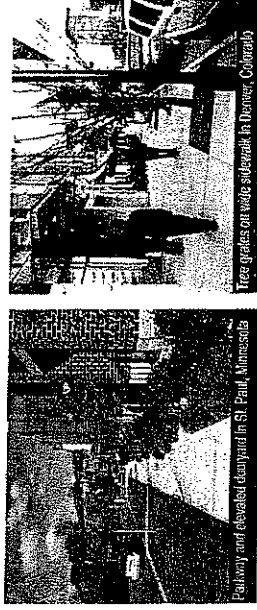


### Building Setbacks

Buildings within the Playland Park site will have designated setback requirements. These requirements, combined with other guidelines in this section, will help ensure a strong urban building wall and a high quality public realm. Buildings along the boulevard should be placed zero feet from the property line. This "build-to line" allows for a 15 foot sidewalk to create a generous sidewalk/pedestrian realm. Buildings along the commercial streets will have a zero foot setback to allow for sidewalk seating for retail, creating a 15 foot wide sidewalk from back of curb

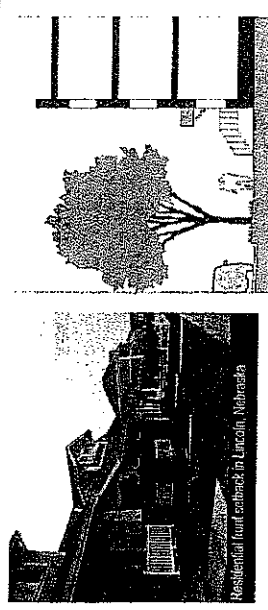
to retail door. Single family houses will have a 20 foot setback from the property line at the sidewalk. Townhomes will have a 10 foot setback from the property line at the sidewalk.

Seventy-five percent (75%) of the linear footage of the setback zones should be occupied by buildings. This will help ensure a strong urban wall along the street. The remaining 25% of the linear footage of the setback zone will provide design flexibility for the façade and can be utilized for pedestrian entrances, gardens, courts, or plazas.



Tree grades on wide sidewalk in Denver, Colorado

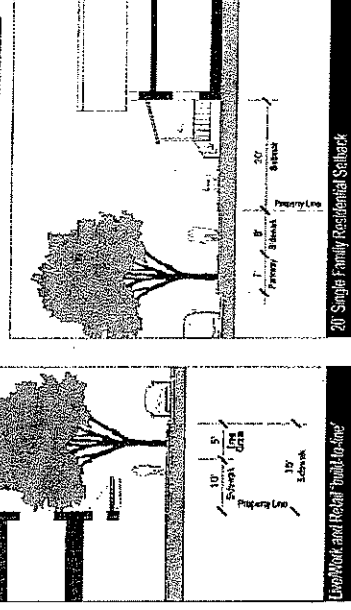
Railway and elevated driveway in St. Paul, Minnesota



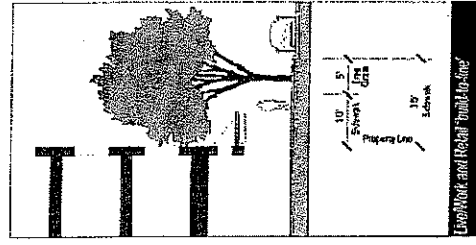
Residential front setback in Lincoln, Nebraska



10' Townhouse Residential Setback

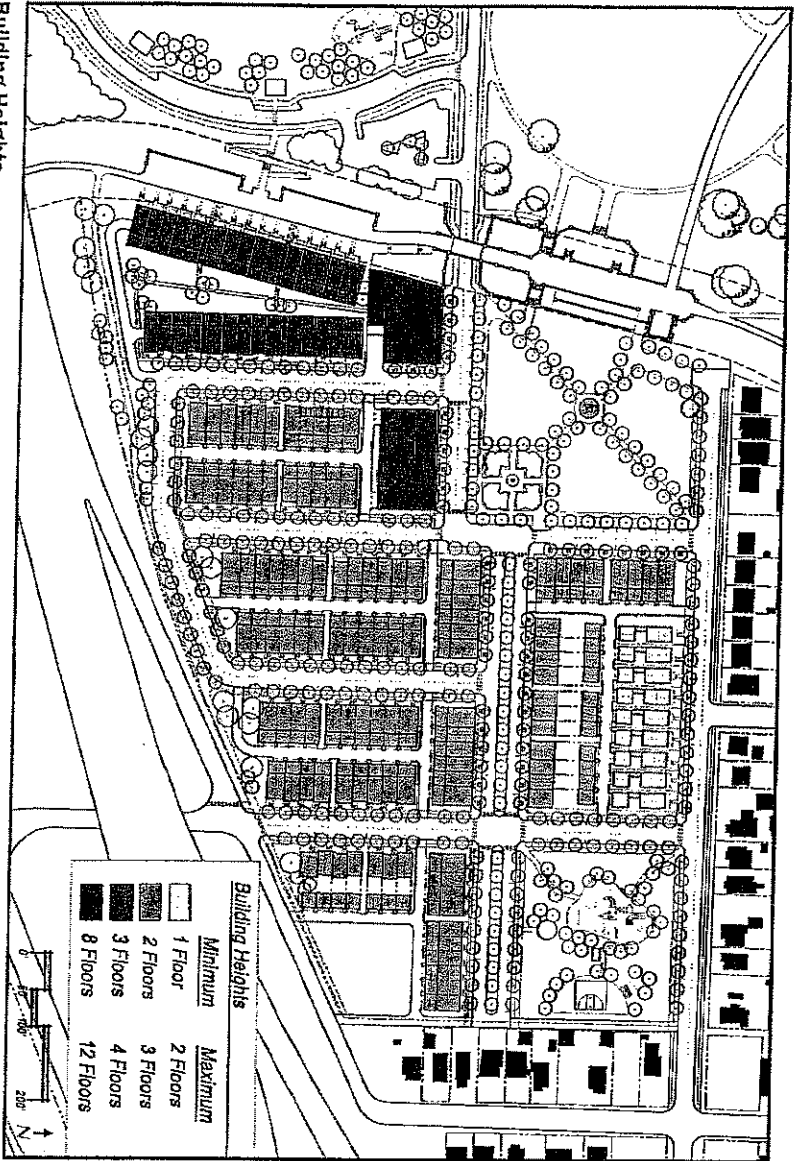


20' Single Family Residential Setback



Live/Work and Retail "Build-to-line"



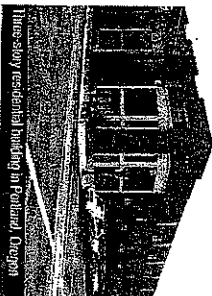


**Building Heights**

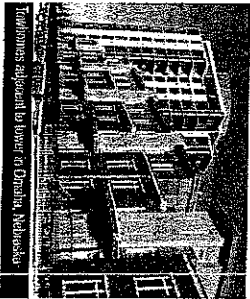
Most of the buildings in the Playland Park redevelopment will be between two and four stories in height, with the exception of the one taller 8-10 story mixed use building next to the cut in the levee. Heights near the levee will be the tallest, taking advantage of the views to the Missouri River and the downtown Omaha skyline. Building heights will transition lower into the existing neighborhood that is mostly one to two story single family homes. Detached garages shall be a maximum of 2 stories in height to allow for a small residential unit, or loft above the garage.



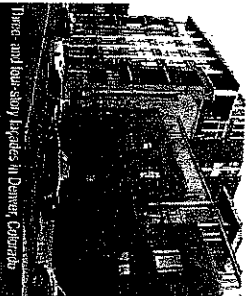
Residential above retail in Lyndhurst, Atlanta



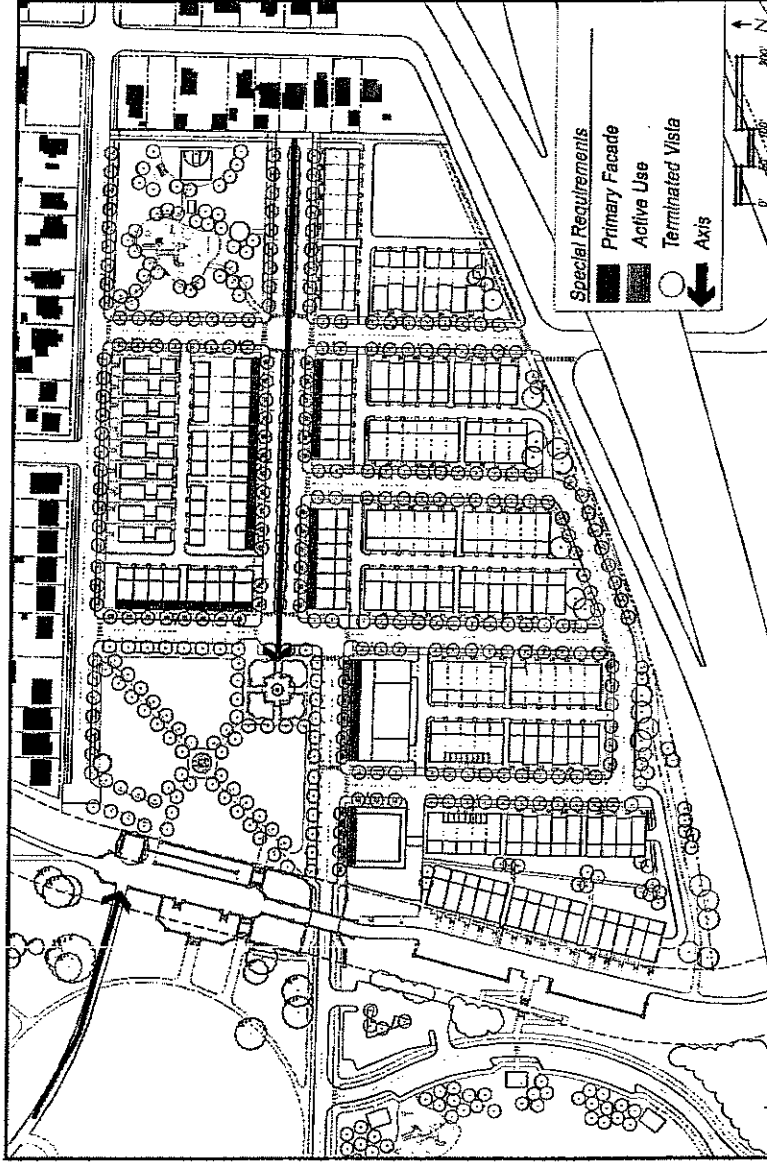
Three-story residential building in Portland, Oregon



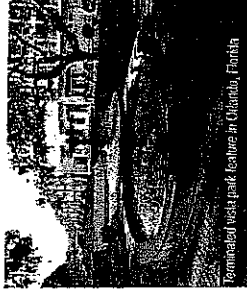
Transitions adjacent to tower at Omaha, Nebraska



Three- and four-story lofts in Denver, Colorado



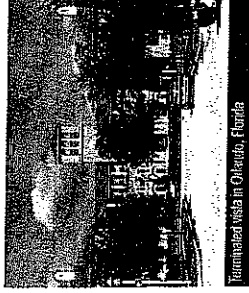
Terminated vista park feature in Orlando, Florida



Terminated vista in Orlando, Florida



Special front facade in Glen Ellyn, Illinois



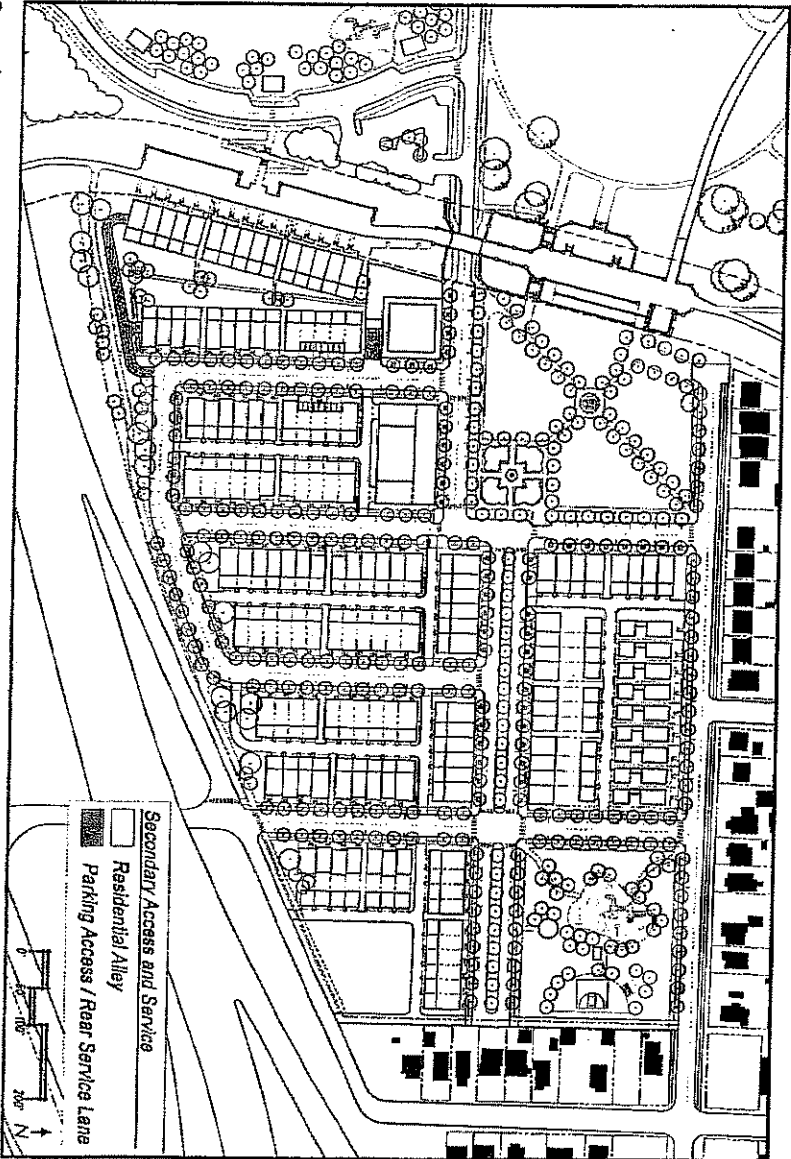
Terminated vista in Orlando, Florida

### Special Requirements

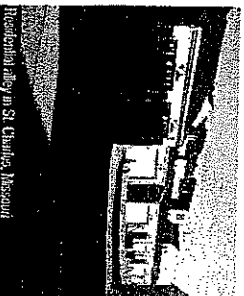
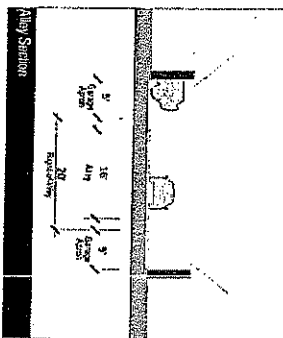
The design of individual buildings within the Playland Park site should respond to key functional and aesthetic cues, such as prominent view corridors and open spaces. The mixed-use buildings that front onto the boulevard or formal green should be lined by retail storefronts and live/work shops. These storefronts, designed to be open to the sidewalk, help to activate the public realm and establish Playland Park as a "people place." These mixed used buildings will be highly visible from the levee, Missouri River Pedestrian Bridge and the formal green.

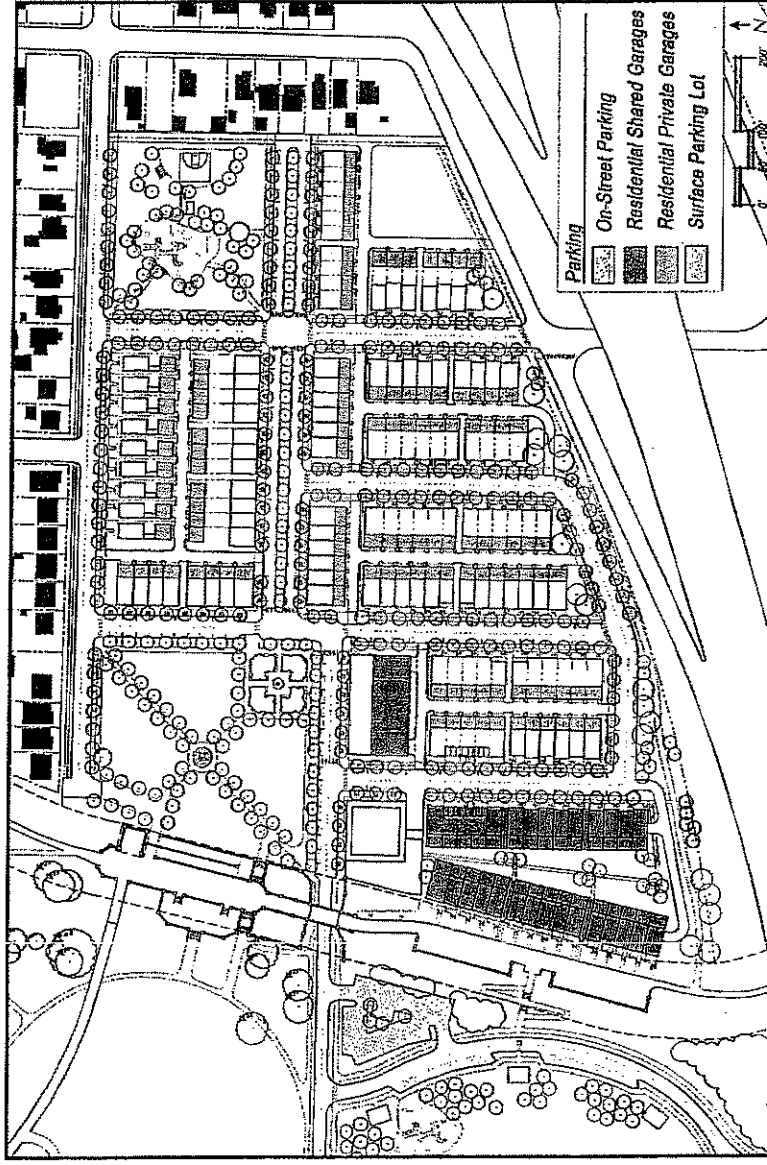
Primary facades and important corners should receive special architectural features, such as facade enhancements, turrets, and/or entrance embellishments. The west end of the boulevard should be terminated with a vertical element such as a statue, fountain or other public art.





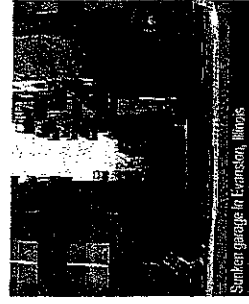
**Secondary Access**  
Secondary access and service to all buildings within the Playland Park site should be located to the rear of the building. Loading docks and dumpsters will be internal to the block and accessed only by service lanes. Residential garages will be accessed from alleys. No service doors will face onto primary streets or parks or open space.



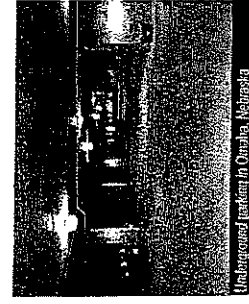


### Parking

All residential units have dedicated parking for all their residents, and will be located off-street, either in a private garage or sunken communal parking garages. All streets are lined with on-street parking for visitors. Overflow parking has been provided for retail shopping about a block away on the west side of the levee. Not shown in this diagram, the wet side of the levee has angled pull-off parking and two small parking lots totaling approximately 500 stalls.



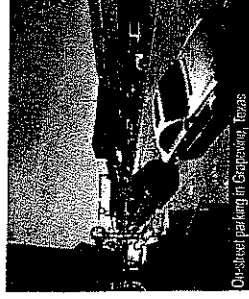
Sunken garage in Evanston, Illinois



Underground parking in Omaha, Nebraska



Warehouse garage in St. Paul, Minnesota



Outdoor parking in Grapevine, Texas



# PROOF OF PUBLICATION

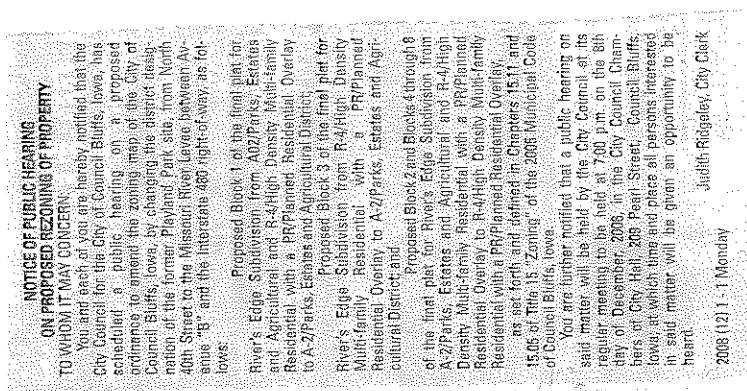
## STATE OF IOWA POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof  
began on the 1st day of December, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 5th day of December, A.D. 2008.



*Amy McKay*

Amy McKay  
Daily Nonpareil Controller

*Tiffany N. Schmitt*

Tiffany N. Schmitt  
Notary Public

Filed this 5th day of December, A.D. 2008.  
Publication Cost: \$ 21.36

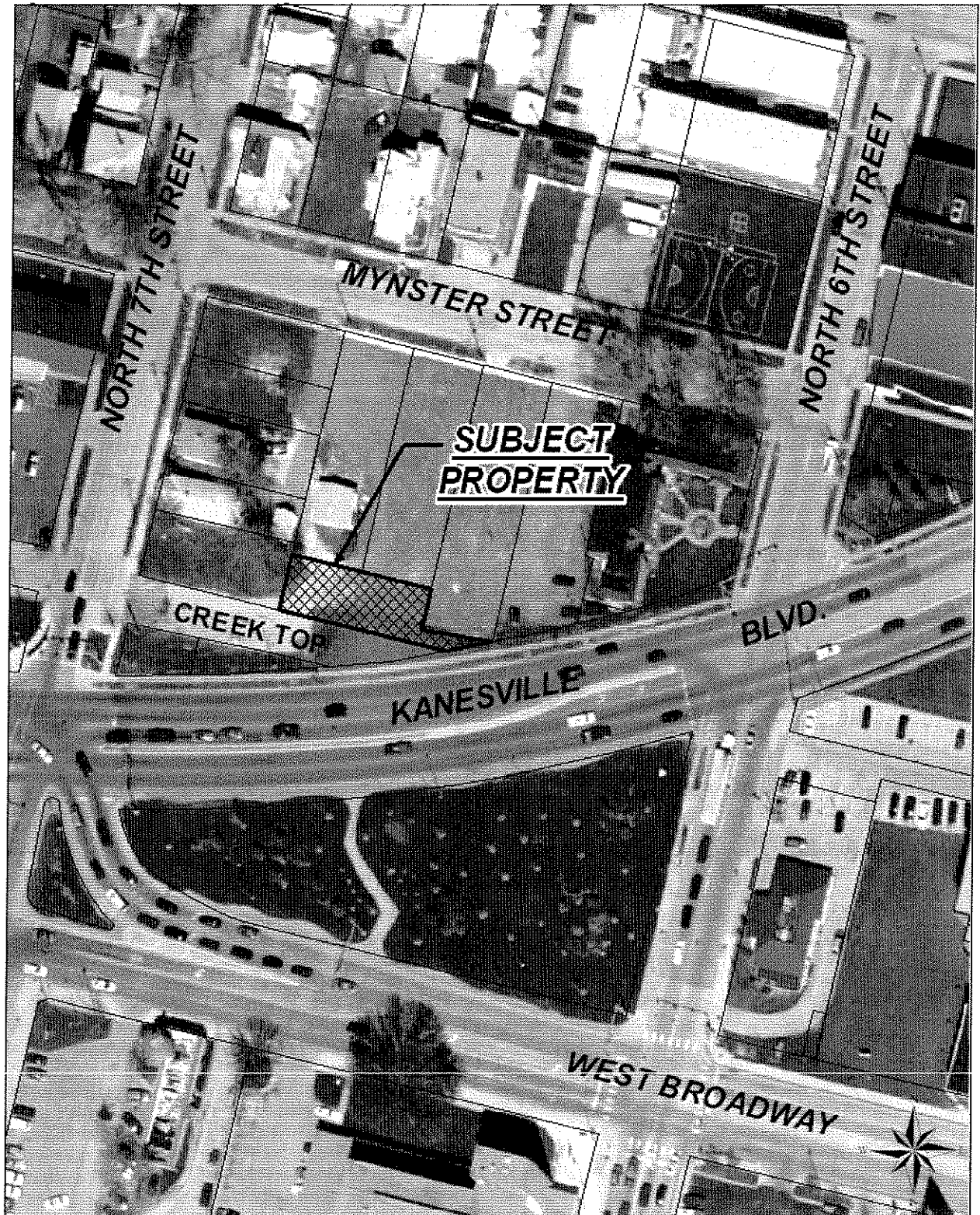


Customer Number: 35700  
Order Number: 20204693

## Council Communication

<b>Department:</b> Community Development  <b>Offer To Buy City Property</b>  <b>Applicant:</b> Stough Development	<b>Resolution of Intent No.</b> <u>08-359</u>  <b>Resolution to Dispose No.</b> <u>09-01</u>	<b>Set Public Hearing:</b> <u>12/08/08</u>  <b>Public Hearing:</b> <u>01/12/09</u>
<b>Subject/Title</b>		
<p>Request of Stough Development, 1128 Main Street, Cincinnati, OH 45202, to purchase the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1<sup>st</sup> Addition (4,400 sq. ft.). This City owned parcel lies east of North 7<sup>th</sup> Street, adjacent to Creek Top and Kanesville as shown on the attached map.</p>		
<b>Background/Discussion</b>		
<p>The Community Development Department has received an Offer to Buy from Stough Development Corporation to purchase part of Lots 11, 12 and 13, Block 3, Bayliss 1<sup>st</sup> Addition as shown on the attached map. They are in the process of purchasing the rest of the block, currently zoned C-4 Commercial, with the intention of developing an 11,800 square foot blood plasma donor center.</p> <p>As per standard review procedures, the Community Development Department circulated the request to City departments for comments. The Public Works Department which has requested a 15-foot easement be retained along Indian Creek for future improvements. This department is requesting that a 15-foot strip of property adjacent to North 7<sup>th</sup> Street between Creek Top and Mynster Street be deeded to the City to be used for future North 7<sup>th</sup> Street improvements (approximately 2,700 sq. ft.).</p>		
<b>Recommendation</b>		
<p>The Community Development Department recommends disposal of the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1<sup>st</sup> Addition in exchange of the following conditions and commitments:</p> <ol style="list-style-type: none"><li>1. The balance of this block shall be acquired by the applicant.</li><li>2. Stough enters an agreement with the City addressing the following issues:<ul style="list-style-type: none"><li>• A 15-foot strip of property adjacent to North 7<sup>th</sup> Street between Creek Top and Mynster Street shall be deeded to the City to be used for future North 7<sup>th</sup> Street improvements. A revised site plan shall be submitted which reflects this 15-foot strip to be dedicated for right-of-way (approximately 2,700 sq. ft.)</li><li>• A construction easement will be granted to the City along the north side of Indian Creek between North 6<sup>th</sup> and North 7<sup>th</sup> Streets, said easement to be shown on the above mentioned site plan.</li><li>• The revised site plan shall also include modifications to the proposed detention cells, the installation of curbing and sidewalk along 7<sup>th</sup> Street between the proposed curb cut and Kanesville Boulevard and additional tree plantings.</li><li>• The transfer of this property to the applicant shall take place upon approval and execution of said agreement.</li></ul></li></ol>		
<p><b>Attachment:</b> Location map and site plan.</p> <p><b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department</p>		

# OFFER TO BUY - STOUGH DEVELOPMENT





Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 09-01

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS THE SOUTH 39 FEET OF LOTS 11 AND 12 AND THE SOUTH 10 FEET OF LOT 13, BAYLISS 1<sup>ST</sup> ADDITION.

WHEREAS, this City Council previously expressed its intent to dispose of the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1<sup>st</sup> Addition; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Stough Development and all successors in interest: The South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1<sup>st</sup> Addition in exchange of the following conditions and commitments:

1. The balance of this block shall be acquired by the applicant.
2. Stough enters an agreement with the City addressing the following issues:
  - A 15-foot strip of property adjacent to North 7<sup>th</sup> Street between Creek Top and Mynster Street shall be deeded to the City to be used for future North 7<sup>th</sup> Street improvements. A revised site plan shall be submitted which reflects this 15-foot strip to be dedicated for right-of-way (approximately 2,700 sq. ft.)
  - A construction easement will be granted to the City along the north side of Indian Creek between North 6<sup>th</sup> and North 7<sup>th</sup> Streets, said easement to be shown on the above mentioned site plan.
  - The revised site plan shall also include modifications to the proposed detention cells, the installation of curbing and sidewalk along 7<sup>th</sup> Street between the proposed curb cut and Kanessville Boulevard and additional tree plantings.
  - The transfer of this property to the applicant shall take place upon approval and execution of said agreement.

ADOPTED  
AND

APPROVED: January 12, 2009

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

## Council Communication

Department: Finance/Purch.	Ordinance No. Resolution No. <u>09-02</u>	Date: <u>January 12, 2009</u>
Case/Project No.		
Applicant.		
<b>Subject/Title</b>		
Lease/Purchase Allianz Model MX450 Street Sweeper		
<b>Background/Discussion</b>		
<p>On November 21, 2008 the Public Works Department received pricing on an Allianz Model MX450 3-wheel high performance mechanical street sweeper through the local vendor, Rose Equipment of Lincoln Nebraska.</p> <p>Wells Fargo Equipment Finance, Inc. (WFEFI) has prepared a lease / purchase agreement pursuant to State of Minnesota pricing (SEQ#980-308) resulting in a net price to the City of \$160,597.63. The City will lease/purchase the street sweeper through WFEFI.</p> <p>The City would be required to make four (4) payments as follows: On or about 01/13/09 \$30,076.00 (down payment without interest) On or about 01/13/10 \$43,507.21 (1<sup>st</sup> annual payment, interest included) On or about 01/13/11 \$43,507.21 (2<sup>nd</sup> annual payment, interest included) On or about 01/13/12 \$43,507.21 (final payment, interest included)</p> <p>Section 364.4(4)(e)(1) of the Iowa Code allows for purchases of this nature providing the "Governing Body" approves the purchase.</p>		
<b>Recommendation</b>		
<p>It is the recommendation of the Purchasing Division that the City accept this quotation and purchase this equipment as it is deemed to be in the best interests of the City.</p> <p>Funds for this purchase will be provided by the Public Works Street Department Equipment Depreciation Fund.</p>		

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

RESOLUTION NO. 09-02

WHEREAS, the City of Council Bluffs has a need to lease/purchase one new Allianz MX450 Street Sweeper to replace worn out equipment in the Public Works Department Street Maintenance Division;

and

WHEREAS, the City is participating in the Minnesota Department of Transportation's SEQ#980-308 Contract to purchase this equipment through Rose Equipment for \$160,597.63;

and

WHEREAS, the City deems this purchase to be in the best interest of the City of Council Bluffs, Iowa.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the above lease/purchase be approved and the Director of Finance be and is hereby authorized, empowered and directed to purchase said equipment.

ADOPTED

AND

APPROVED: January 12, 2009

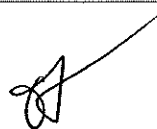
BY: \_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST: \_\_\_\_\_  
Judith H. Ridgeley, City Clerk

**Council Communication**  
**December 8, 2008 City Council Meeting**

Department: Community Development	Ordinance No.: <u>6019</u>  Resolution No.:	First Reading: 12-8-08 Second Reading: 1-12-09 Third Reading: 1-26-09 Public Hearing: 1-12-09
Case/Project No.: N/A		
<b>Subject/Title</b>		
Ordinances for the Targeted Jobs Withholding Tax Credit Program within the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area		
<b>Location</b>		
Old Airport Urban Renewal Area and the Manawa Business Park Urban Renewal Area		
<b>Background/Discussion</b>		
<u>Background</u> The City of Council Bluffs has been designated by the State of Iowa as a pilot project city under the Targeted Jobs Withholding Tax Credit Program. This program allows cities to assist in funding projects in urban renewal areas by means of a targeted jobs credit to eligible businesses for eligible targeted jobs they create or retain. The withholding tax credit is 3% of the amount of gross wages paid to the eligible employees by the business. The City of Council Bluffs has entered into withholding tax credit agreements with both Telmar Network Technologies and Google, Inc.		
<u>Discussion</u> Ahlers & Cooney, P.C. has advised the City to pass an ordinance confirming our practice of setting up a special account for the targeted jobs withholding tax credit within each urban renewal area, pursuant to Iowa Code Section 403.19A(3)(a). The monies collected each quarter for these projects are to be placed within a separate designated account and are to be used only for the purposes agreed to within each development agreement.		
<b>Staff Recommendation</b>		
The Community Development Department recommends approval of the ordinances for the Targeted Jobs Withholding Tax Credit Program in both the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area.		
<b>Attachments</b>		
1) Ordinance for the Old Airport Urban Renewal Area 2) Ordinance for the Manawa Business Park Urban Renewal Area		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department  
Approved by: Donald D. Gross, Director, Community Development Department



4 C



ORDINANCE NO. 6019

AN ORDINANCE PROVIDING THAT THE TARGETED JOBS WITHHOLDING CREDIT COLLECTED EACH YEAR IN CONNECTION WITH CERTAIN PROPERTY LOCATED WITHIN THE AMENDED OLD AIRPORT URBAN RENEWAL AREA OF THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BE PAID INTO A DESIGNATED ACCOUNT IN THE SPECIAL FUND PREVIOUSLY ESTABLISHED BY ORDINANCE NO. 5912

WHEREAS, the City Council of the City of Council Bluffs, Iowa has heretofore, in Ordinance No. 5912, provided for the division of taxes within the Old Airport Urban Renewal Area, as amended, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, the City of Council Bluffs has applied and been approved by the department of economic development as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa; and

WHEREAS, a Withholding Agreement or Agreements have been or will be entered into in connection with the Old Airport Urban Renewal Area, as amended, by and between the City of Council Bluffs and certain employers within the Old Airport Urban Renewal Area, as amended; and

WHEREAS, pursuant to Section 403.19A of the Code of Iowa and said Withholding Agreement(s), certain withholding tax credits are to be remitted by employers within the Old Airport Urban Renewal Area, as amended, to the City of Council Bluffs; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, THAT:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Business shall mean any professional services, or industrial enterprise, including medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. "Business" does not include a retail operation or a business which closes or substantially reduces its operation in one area of the State of Iowa and relocates substantially the same operation to another area of the State of Iowa.

(b) Employee shall mean the individual employed in a targeted job that is subject to a withholding agreement.

(c) Employer shall mean a business creating targeted jobs in an urban renewal area of a pilot project city pursuant to a withholding agreement.

(d) Pilot project city shall mean a city that has applied and been approved as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa.

(e) Qualifying investment shall mean a capital investment in real property including the purchase price of land and existing buildings, site preparation, building construction, and long-term lease costs. "Qualifying investment" also means a capital investment in depreciable assets.

(f) Targeted job shall mean a job in a business which is or will be located in an urban renewal area of a pilot project city that pays a wage at least equal to the countywide average wage. "Targeted job" includes new jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the department of economic development, moving to or expanding in Iowa.

(g) Withholding agreement shall mean the agreement between a pilot project city and an employer concerning the targeted jobs withholding credit authorized in Subsection 403.19A(3) of the Code of Iowa.

Section 2: In connection with any withholding agreements entered into pursuant to Section 403.19A of the Code of Iowa with a business located within the Old Airport Urban Renewal Area, the City of Council Bluffs shall create a separate designated account for the deposit of the targeted jobs withholding credit within the special fund previously established under Ordinance No. 5912. The targeted jobs withholding credit shall be based upon the wages paid to employees pursuant to a withholding agreement.

Section 3: An amount equal to three percent of the gross wages paid by an employer to each employee under a withholding agreement shall be credited from the payment made by the employer pursuant to section 422.16 of the Code of Iowa. If the

amount of the withholding by the employer is less than three percent of the gross wages paid to the employees covered by the withholding agreement, the employer shall receive a credit against other withholding taxes due by the employer or may carry the credit forward for up to ten years or until depleted, whichever is the earlier. The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the City of Council Bluffs to be allocated to and when collected paid into a designated account in the special fund for the urban renewal area in which the targeted jobs are located. All amounts so deposited shall be used or pledged by the City of Council Bluffs for an urban renewal project related to the employer pursuant to the withholding agreement.

Section 4: The funds held in any such designated account(s) shall not be commingled with any other funds.

Section 5: Pursuant to Section 403.19A of the Code of Iowa, in connection with any withholding agreement(s) entered into by the City of Council Bluffs with a business located within the Old Airport Urban Renewal Area, the City of Council Bluffs shall arrange for a match of at least one dollar for each withholding credit dollar received by the City of Council Bluffs. The local match may come from the City of Council Bluffs, a private donor, or the business which entered into the withholding agreement, or a combination of all three. The local match may be in cash or in kind to be used for the business project.

Section 6: Following termination of any withholding agreement, the employer credits shall cease and any money received by the City of Council Bluffs after such termination shall be remitted to the treasurer of the state to be deposited in the general fund of the state. Notice shall be provided promptly to the Department of Revenue following termination.

Section 7: The City of Council Bluffs shall certify to the Department of Revenue the amount of the targeted jobs withholding credit an employer has remitted to the City and shall provide other information the Department may require.

Section 8: An employer may participate in a new jobs credit from withholding under Section 260E.5 of the Code of Iowa, or a supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under section 15.331 of the Code of Iowa, at the same time as the employer is participating in the withholding credit under Section 403.19A of the Code of Iowa. The new jobs credit from withholding under Section 260E.5 of the Code of Iowa, and the supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under Section 15.331 of the Code of Iowa, shall be collected and disbursed prior to the withholding credit under Section 403.19A of the Code of Iowa.

Section 9: The passage of the Ordinance and the establishment of these separate designated accounts shall not be construed as the establishment or activation through certification of an ordinance for the division of property tax revenue and accordingly shall not trigger any limitations on the division of property tax revenues under Section 403.17(10) or 403.22 of the Code of Iowa.

Section 10: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance.

Section 11: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Judith H. Ridgeley, City Clerk

Read first time: December 8, 2008

Read second time: January 12, 2009

Read third time: \_\_\_\_\_

Public Hearing: January 12, 2009

PASSED AND APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

**Council Communication**  
**December 8, 2008 City Council Meeting**

Department: Community Development	Ordinance No.: <u>6020</u>  Resolution No.:	First Reading: 12-8-08 Second Reading: 1-12-09 Third Reading: 1-26-09 Public Hearing: 1-12-09
Case/Project No.: N/A		
<b>Subject/Title</b>		
Ordinances for the Targeted Jobs Withholding Tax Credit Program within the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area		
<b>Location</b>		
Old Airport Urban Renewal Area and the Manawa Business Park Urban Renewal Area		
<b>Background/Discussion</b>		
<u>Background</u> The City of Council Bluffs has been designated by the State of Iowa as a pilot project city under the Targeted Jobs Withholding Tax Credit Program. This program allows cities to assist in funding projects in urban renewal areas by means of a targeted jobs credit to eligible businesses for eligible targeted jobs they create or retain. The withholding tax credit is 3% of the amount of gross wages paid to the eligible employees by the business. The City of Council Bluffs has entered into withholding tax credit agreements with both Telmar Network Technologies and Google, Inc.		
<u>Discussion</u> Ahlers & Cooney, P.C. has advised the City to pass an ordinance confirming our practice of setting up a special account for the targeted jobs withholding tax credit within each urban renewal area, pursuant to Iowa Code Section 403.19A(3)(a). The monies collected each quarter for these projects are to be placed within a separate designated account and are to be used only for the purposes agreed to within each development agreement.		
<b>Staff Recommendation</b>		
The Community Development Department recommends approval of the ordinances for the Targeted Jobs Withholding Tax Credit Program in both the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area.		
<b>Attachments</b>		
1) Ordinance for the Old Airport Urban Renewal Area 2) Ordinance for the Manawa Business Park Urban Renewal Area		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department  
Approved by: Donald D. Gross, Director, Community Development Department



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ORDINANCE NO. 6020

AN ORDINANCE PROVIDING THAT THE TARGETED JOBS WITHHOLDING CREDIT COLLECTED EACH YEAR IN CONNECTION WITH CERTAIN PROPERTY LOCATED WITHIN THE AMENDED MANAWA BUSINESS PARK URBAN RENEWAL AREA OF THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BE PAID INTO A DESIGNATED ACCOUNT IN THE SPECIAL FUND PREVIOUSLY ESTABLISHED BY ORDINANCE NO. 5924

WHEREAS, the City Council of the City of Council Bluffs, Iowa has heretofore, in Ordinance No. 5924, provided for the division of taxes within the Manawa Business Park Urban Renewal Area, as amended, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, the City of Council Bluffs has applied and been approved by the department of economic development as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa; and

WHEREAS, a Withholding Agreement or Agreements have been or will be entered into in connection with the Manawa Business Park Urban Renewal Area, as amended, by and between the City of Council Bluffs and certain employers within the Manawa Business Park Urban Renewal Area, as amended; and

WHEREAS, pursuant to Section 403.19A of the Code of Iowa and said Withholding Agreement(s), certain withholding tax credits are to be remitted by employers within the Manawa Business Park Urban Renewal Area, as amended, to the City of Council Bluffs; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, THAT:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Business shall mean any professional services, or industrial enterprise, including medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. “Business” does not include a retail operation or a business which closes or substantially reduces its operation in one area of the State of Iowa and relocates substantially the same operation to another area of the State of Iowa.

(b) Employee shall mean the individual employed in a targeted job that is subject to a withholding agreement.

(c) Employer shall mean a business creating targeted jobs in an urban renewal area of a pilot project city pursuant to a withholding agreement.

(d) Pilot project city shall mean a city that has applied and been approved as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa.

(e) Qualifying investment shall mean a capital investment in real property including the purchase price of land and existing buildings, site preparation, building construction, and long-term lease costs. “Qualifying investment” also means a capital investment in depreciable assets.

(f) Targeted job shall mean a job in a business which is or will be located in an urban renewal area of a pilot project city that pays a wage at least equal to the countywide average wage. “Targeted job” includes new jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the department of economic development, moving to or expanding in Iowa.

(g) Withholding agreement shall mean the agreement between a pilot project city and an employer concerning the targeted jobs withholding credit authorized in Subsection 403.19A(3) of the Code of Iowa.

Section 2: In connection with any withholding agreements entered into pursuant to Section 403.19A of the Code of Iowa with a business located within the Manawa Business Park Urban Renewal Area, the City of Council Bluffs shall create a separate designated account for the deposit of the targeted jobs withholding credit within the special fund previously established under Ordinance No. 5924. The targeted jobs withholding credit shall be based upon the wages paid to employees pursuant to a withholding agreement.

Section 3: An amount equal to three percent of the gross wages paid by an employer to each employee under a withholding agreement shall be credited from the payment made by the employer pursuant to section 422.16 of the Code of Iowa. If the amount of the withholding by the employer is less than three percent of the gross wages paid to the employees covered by the withholding agreement, the employer shall receive a credit against other withholding taxes due by the employer or may carry the credit forward for up to ten years or until depleted, whichever is the earlier. The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the City of Council Bluffs to be allocated to and when collected paid into a designated account in the special fund for the urban renewal area in which the targeted jobs are located. All amounts so deposited shall be used or pledged by the City of Council Bluffs for an urban renewal project related to the employer pursuant to the withholding agreement.

Section 4: The funds held in any such designated account(s) shall not be commingled with any other funds.

Section 5: Pursuant to Section 403.19A of the Code of Iowa, in connection with any withholding agreement(s) entered into by the City of Council Bluffs with a business located within the Manawa Business Park Urban Renewal Area, the City of Council Bluffs shall arrange for a match of at least one dollar for each withholding credit dollar received by the City of Council Bluffs. The local match may come from the City of Council Bluffs, a private donor, or the business which entered into the withholding agreement, or a combination of all three. The local match may be in cash or in kind to be used for the business project.

Section 6: Following termination of any withholding agreement, the employer credits shall cease and any money received by the City of Council Bluffs after such termination shall be remitted to the treasurer of the state to be deposited in the general fund of the state. Notice shall be provided promptly to the Department of Revenue following termination.

Section 7: The City of Council Bluffs shall certify to the Department of Revenue the amount of the targeted jobs withholding credit an employer has remitted to the City and shall provide other information the Department may require.

Section 8: An employer may participate in a new jobs credit from withholding under Section 260E.5 of the Code of Iowa, or a supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under section 15.331 of the Code of Iowa, at the same time as the employer is participating in the withholding credit under Section 403.19A of the Code of Iowa. The new jobs credit from withholding under



Section 260E.5 of the Code of Iowa, and the supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under Section 15.331 of the Code of Iowa, shall be collected and disbursed prior to the withholding credit under Section 403.19A of the Code of Iowa.

Section 9: The passage of the Ordinance and the establishment of these separate designated accounts shall not be construed as the establishment or activation through certification of an ordinance for the division of property tax revenue and accordingly shall not trigger any limitations on the division of property tax revenues under Section 403.17(10) or 403.22 of the Code of Iowa.

Section 10: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance.

Section 11: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

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Judith H. Ridgeley, City Clerk

Read first time: December 8, 2008

Read second time January 12, 2009

Read third time: \_\_\_\_\_

Public Hearing: January 12, 2009

PASSED AND APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

**DEBORAH L. PETERSEN, P.L.C.**

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**FAX**

TO: Judith, City Clerk FAX NUMBER: 328-2137  
Gayle, City Planning 328-4915

FROM: Deborah L. Petersen

RE: Southtowne Subdivision Preliminary Plan Approval  
Southtowne Planned Commercial Development Plan  
Planning Commission Case Nos. SUB-08-006  
PC-08-005

DATE: January 6, 2009

On behalf of my client, Rod Rhoden, we respectfully request that the Council postpone this matter until May 11, 2009.

If you need anything further, please let me know. Thank you for your consideration.

CC: Richard Wade, City Attorney  
FAX NUMBER: 322-9255



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